

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 08-cv-499-SM

David M. Hulick, et al

NOTICE OF RULING / ORDER

Re: Document No. 83, Motion to Compel

Ruling: The Hulicks' motion to compel is granted. The government shall produce the two revenue officers for deposition within the next 21 days. With respect to the Hulicks' request for fees and costs, the government shall file a memorandum on or before March 14, 2012, explaining why the Hulicks are not entitled to their costs and fees under FRCP 37(a)(5)(A). That memorandum shall be no longer than ten (10) pages. That memorandum shall address why it was necessary for the Hulicks to litigate this discovery dispute in the face of: (a) the court's having granted the parties' joint request for a continuance, (b) the court's subsequent ruling that the Hulicks' outstanding request to extend discovery (to allow for these depositions prior to trial) was moot, and (c) the government's agreement in principle, at an earlier point in this litigation, to

extend discovery to allow for these depositions prior to trial.

Date: March 1, 2012

/s/ Landya B. McCafferty

Landya B. McCafferty

US Magistrate Judge

cc: Counsel of Record